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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 DEMETRIC DI-AZ, OWEN DIAZ and LAMAR
PATTERSON, an individual

19 CASE NO.: 3:17-cv-06748-WHO

20 Plaintiff,

21 vs.
22 **STIPULATION AND ORDER ALLOWING
PLAINTIFFS TO FILE AN AMENDED
COMPLAINT TO ADD NEW PARTY
NEXTSOURCE, INC. AS A DEFENDANT;
AND TO CONTINUE TRIAL DATE FROM
MAY 13, 2019 TO OCTOBER 28, 2019, AND
TRIAL-RELATED DEADLINES**

23 TESLA, INC. DBA TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST VALLEY
24 STAFFING GROUP; CHARTWELL STAFFING
SERVICES, INC. and DOES 1-10, inclusive,
25 Defendants.

26 [Assigned to Hon. William H. Orrick]

27 Complaint Filed: October 16, 2017
28 Trial Date: May 13, 2019

29 **STIPULATION AND ORDER ALLOWING PLAINTIFFS TO FILE AN AMENDED
COMPLAINT; TO CONTINUE TRIAL DATE AND RELATED DEADLINES**

STIPULATION

Plaintiffs Demetric Di-az and Owen Diaz (collectively “Plaintiffs”), Defendant Tesla, Inc. dba Tesla Motors, Inc. (“Tesla”), Defendant CitiStaff Solutions, Inc. (“CitiStaff”) and Defendant West Valley Staffing Group (“West Valley”) (collectively the “Parties”) hereby stipulate as follows:

WHEREAS, on June 11, 2018 the Parties attended a court mandated mediation that did not result in a settlement;

WHEREAS, on October 16, 2018, the Parties attended a private mediation that did not result in a settlement;

WHEREAS, the parties agreed to conduct limited discovery prior to attending the June 11, 2018 court mandated mediation, and conducted limited discovery prior to the October 16, 2018 private mediation;

Leave to Amend Complaint

WHEREAS, Plaintiffs took the deposition of Monica DeLeon, a former Citistaff employee, on December 6, 2018;

WHEREAS, Plaintiffs seek to add nextSource, Inc. as a Defendant in this action based on new information obtained from Ms. DeLeon during her deposition;

WHEREAS, Plaintiffs have not previously amended their Complaint in this matter;

WHEREAS, Plaintiffs agree to file the attached Amended Complaint adding nextSource, Inc. as a Defendant in this matter on or before December 28, 2018 (See Amended Complaint for Damages attached as Exhibit 1);

NOW THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and agree, and respectfully request, that the Court issue an order granting Plaintiffs leave to file the attached Amended Complaint effective December 28, 2018;

Continuing Trial and Pre-Trial Deadlines

WHEREAS, trial in this matter is set for May 13, 2019;

WHEREAS, the current pre-trial schedule in this matter is as follows:

- January 11, 2019: Fact discovery cutoff; expert disclosures due

STIPULATION AND ORDER ALLOWING PLAINTIFFS TO FILE AN AMENDED COMPLAINT; TO CONTINUE TRIAL DATE AND RELATED DEADLINES

- 1 • February 14, 2019: Dispositive motion hearing deadline
- 2 • February 18, 2019: Rebuttal expert disclosures due
- 3 • February 25, 2019: Expert discovery cutoff

4 **WHEREAS**, the Parties have not previously requested any continuances in this case and
5 the Court has not previously continued any dates in this case;

6 **NOW THEREFORE**, the Parties, by and through their respective counsel, hereby
7 stipulate and agree, and respectfully request, that the Court issue an order continuing the trial to
8 October 28, 2019, and continuing the Pre-Trial Conference to October 1, 2019, and the pre-trial
9 discovery and dispositive motion deadlines as follows:

- 10 • June 28, 2019: Fact discovery cutoff; expert disclosures due
- 11 • July 26, 2019: Dispositive motion hearing deadline
- 12 • July 31, 2019: Rebuttal expert disclosures due
- 13 • August 7, 2019: Expert discovery cutoff
- 14 • October 1, 2019: Pre-Trial Conference

15 **IT IS SO STIPULATED.**

16

17 DATED: December 14, 2018

18

19 **CALIFORNIA CIVIL RIGHTS LAW GROUP**

20 By: /s/ Navruz Avloni
21 Lawrence A. Organ
22 Navruz Avloni
23 Attorneys for Plaintiffs
24 DEMETRIC DI-AZ and OWEN DIAZ

25

26 DATED: December 14, 2018

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28 **PAHL & MCCAY**

29 By: /s/ Helene Simvoulakos-Panos
30 Fenn C. Horton III
31 Helene Simvoulakos-Panos
32 Attorneys for Defendant
33 WEST VALLEY STAFFING GROUP

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35 **STIPULATION AND ORDER ALLOWING PLAINTIFFS TO FILE AN AMENDED
36 COMPLAINT; AND TO CONTINUE TRIAL DATE FROM MAY 13, 2019 TO OCTOBER 28,
37 2019, AND TRIAL-RELATED DEADLINES**

1
2 DATED: December 14, 2018

**CONSTANGY, BROOKS, SMITH & PROPHETE,
LLP**

3
4 By: /s/ Barbara Antonucci
5 Barbara Antonucci
6 Attorneys for Defendant
7 TESLA INC. DBA TESLA MOTORS, INC.

8
9 DATED: December 14, 2018

**CONSTANGY, BROOKS, SMITH & PROPHETE,
LLP**

10
11 By: /s/ Barbara Antonucci
12 Barbara Antonucci
13 Attorneys for Defendant
14 CITISTAFF SOLUTIONS, INC.

15 **ORDER**

16 Based upon the foregoing Stipulation, and for good cause appearing thereon, the Court
17 orders as follows:

18 1. Plaintiffs may file the Amended Complaint for Damages adding nextSource, Inc. as a
19 party to this action, as attached in Exhibit 1 of the Stipulation, on or before December
20 28, 2018;

21 2. The trial in this case is continued to **November 18, 2019**;

22 3. The Pre-Trial Conference is continued to **October 21**, 2019;

23 4. The pre-trial deadlines in this case are continued as follows:

24 • June 28, 2019: Fact discovery cutoff; expert disclosures due

25 • **August 7, 2019**: Dispositive motion hearing deadline

26 • July 31, 2019: Rebuttal expert disclosures due

- August 7, 2019: Expert discovery cutoff.

PURSUANT TO STIPULATION, IT IS SO ORDERED as modified above.

DATED: December 20, 2018

Hon. William H. Orrick

STIPULATION AND ORDER ALLOWING PLAINTIFFS TO FILE AN AMENDED COMPLAINT; AND TO CONTINUE TRIAL DATE FROM MAY 13, 2019 TO OCTOBER 28, 2019, AND TRIAL-RELATED DEADLINES